

### **REMARKS/ARGUMENT**

Claim 1 has been amended to clarify that the phrase “glass having the following composition” means “glass containing the following components” given that the word “composition” can have multiple meanings. No new matter has been added through this non-limiting amendment.

Claims 1-8 and 11-21 are currently pending.

The Office Action rejected the pending claims under 35 U.S.C. § 102 as anticipated by U.S. patent 5,691,254 (“Sakamoto”) and U.S. patent 5,866,239 (“Shimatani”), and/or under 35 U.S.C. § 103 as obvious over Sakamoto or Shimatani in view of Wennemann, Kornbluth, Martin, Krause, Pourney, and/or Mewissen. Central to all of these rejections was the assertion that Sakamoto’s and Shimatani’s glass products inherently possess the L\*, a\*, b\* values required by the claims. In view of the following comments, Applicants respectfully request reconsideration and withdrawal of all of these rejections.

All of the pending claims require the claimed glass-ceramic to have an L\* value between 82 and 87. As explained in the materials provided with Applicants’ response filed September 15, 2006, relating to the L\*, a\*, b\* scale, L\* is a measure of lightness and darkness, with L\* = 100 being white, and L\* = 0 being black. Thus, the claim requirement that the glass-ceramic have an L\* value of between 82 and 87 (along with the requirements that a\* be between -3.0 and -0.5 and b\* be between -4.0 and +4.0) is a requirement that the glass be substantially transparent and/or translucent. Neither Sakamoto nor Shimatani teaches or suggests such a composition, either expressly or inherently.

The Office Action recognized that neither Sakamoto nor Shimatani expressly teaches or suggests such a composition. This is why the Office Action based the pending rejections on the assertion that the cited references disclose compositions which inherently possess the required L\*, a\*, b\* characteristics.

However, neither Sakamoto nor Shimatani inherently teaches or suggests such a composition either.

Sakamoto and Shimatani are related. This relationship can be seen from the fact that (1) inventors Katagi and Sakamoto are named inventors on both patents; (2) the Japanese priority documents for both patents were filed approximately a week apart (February 27, 1996, and March 5, 1996, respectively); and, most importantly, (3) **the examples in both patents use identical glass plates** (compare Sakamoto at col. 6, lines 58-61 with Shimatani at col. 7, lines 18-21). Thus, the patents teach/suggest the same glass plates (both of these patents are directed to enamel coatings rather than the glass plates *per se*).

Shimatani expressly states that his glass plates have “a **black** appearance.” (Col. 2, lines 40-41). Given the relationship between Sakamoto and Shimatani, it follows that Sakamoto’s glass plates also have a black appearance. At the very least, it cannot be said that Sakamoto’s glass plates are inherently translucent and/or transparent.

As noted above, black compositions have an L\* value of 0 or close to zero. Thus, Sakamoto’s and Shimatani’s glass plates have very low L\* values, meaning that any subsequent glass products made with these glass plates will also have very low L\* values. In sharp contrast, the pending claims require the claimed glass-ceramic to have an L\* value between 82 and 87. Thus, neither Sakamoto nor Shimatani teach or suggest the required L\*,

Application No. 10/509,890  
Response to Office Action dated December 8, 2006

a\*, b\* values in their glass plates (particularly the L\* value), let alone in glass products made from such plates. For at least this reason, neither Sakamoto nor Shimatani teaches or suggests the claimed invention, expressly or inherently.

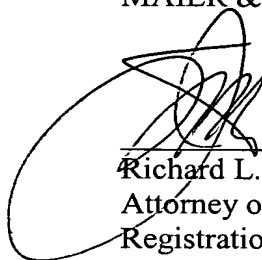
The numerous secondary references cannot compensate for this fatal deficiency. None of the cited references teaches or suggests a glass-ceramic composition having the required L\*, a\*, b\* values.

In view of the above, Applicants respectfully request reconsideration and withdrawal of all of the pending rejections under 35 U.S.C. §§ 102 and/or 103.

Applicants believe that the present application is in condition for allowance. Prompt and favorable consideration is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Richard L. Treanor  
Attorney of Record  
Registration No. 36,379

Jeffrey B. McIntyre  
Registration No. 36,867

Customer Number  
**22850**

Tel #: (703) 413-3000  
Fax #: (703) 413-2220